

## Message Text

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FM SECSTATE WASHDC

TO AMCONSUL HONG KONG IMMEDIATE

INFO USMISSION GENEVA PRIORITY

AMEMBASSY BANGKOK

AMEMBASSY KUALA LUMPUR

AMEMBASSY MANILA

AMEMBASSY SINGAPORE

AMEMBASSY JAKARTA

AMEMBASSY LONDON

AMEMBASSY TOKYO

AMEMBASSY TAIPEI

C O N F I D E N T I A L STATE 301032

E.O. 11652: GDS

TAGS: SREF

SUBJECT: PROPOSED PROCEDURES FOR CONDITIONAL ENTRY PRO-  
CESSING FOR INDOCHINESE REFUGEE BOAT CASES

REF: A. HONG KONG 13939; B. HONG KONG 14379; C. HONG KONG  
14344; D. STATE 229088

FOR: CONSUL GENERAL FROM WILSON

1. I WISH TO EXPRESS MY APPRECIATION FOR YOUR CONTINUING  
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CONTRIBUTION TO OUR ATTEMPTS TO RESOLVE THIS EXTRAORDINARILY

COMPELLING HUMANITARIAN PROBLEM. WE HAVE PROGRESSED SOME DISTANCE TOWARDS THIS GOAL AND NOW MUST TURN TO YOU AGAIN FOR ASSISTANCE IN WORKING OUT ITS KEY ELEMENTS WITH THE HKG.

2. I BELIEVE THAT THE QUESTIONS RAISED IN YOUR MESSAGE SHOULD CAUSE NO INSUPERABLE DIFFICULTY, THOUGH IN SOME CASES THE ANSWERS REALLY LIE WITH YOU RATHER THAN WITH THE DEPARTMENT. THE KEY ELEMENT IN YOUR MESSAGES (REFS A AND B) IS THE PROPOSITION THAT THE HKG SHOULD HAVE NO LEGAL RESPONSIBILITY FOR REFUGEES BROUGHT TO HONG KONG. AT THE SAME TIME YOUR MESSAGE RECOGNIZES THAT WE CANNOT GIVE ABSOLUTE LEGAL GUARANTEES THAT ALL REFUGEES BROUGHT BY U.S. TO HONG KONG WILL PROCEED TO THE UNITED STATES. WE HOPE

AND EXPECT THAT THE UNHCR WILL BE PREPARED TO PROVIDE RESETTLEMENT GUARANTEES TO THE HKG FOR ANY REFUGEES WHICH MIGHT FALL OUT OF OUR SYSTEM. IF THAT IS SUFFICIENT FOR THE HKG TO TREAT THESE REFUGEES AS NOT LEGALLY LANDED, THIS IS, OF COURSE, SOLELY WITHIN THE COMPETENCE OF THE HKG.

3. OBVIOUSLY, OUR PROCEDURES ARE DESIGNED TO REDUCE TO A MINIMUM THE NUMBERS THAT MIGHT SO FAIL BY PRE-SCREENING AND COMPLETION OF SECURITY CHECKS PRIOR TO THE REFUGEE PROCEEDING TO HONG KONG. SINCE THE ENTIRE SCHEME IS TO BE COORDINATED BY CONGEN AND INS/HONG KONG, YOU AND SAM FELDMAN WOULD BE IN THE BEST POSITION TO DISCUSS WITH HKG THE LIKELIHOOD OF ANY SUCH DROPOUTS.

4. WITH RESPECT TO THE WILLINGNESS ON THE PART OF HKG TO PROVIDE CONFIDENTIAL BOAT CASE DOCUMENTATION SIMILAR TO THAT PROVIDED FOR AVA CASE REFUGEES, CERTAINLY, WE WOULD UNDERTAKE TO MAINTAIN THE CONFIDENTIALITY OF SUCH DOCUMENTATION (INFO ADDRESSES PLEASE NOTE REF C). ADDITIONALLY, WE ARE SEEKING UNHCR GUARANTEES FOR THE RESETTLEMENT OUT OF HONG KONG OF ANY REFUGEES RETURNED THERE UNDER OUR CE ARRANGEMENTS. INEVITABLY THE UNHCR WILL INFER FROM THE REQUEST FOR SUCH A GUARANTEE THAT RETURN ARRANGEMENTS WITH THE HKG EXIST. PRESUMABLY, HOWEVER, WITH A CONFIDENTIAL

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UNHCR GUARANTEE, THE PROPOSITION CAN BE MAINTAINED THAT SUCH REFUGEES ARE BEING RETURNED TO HONG KONG IN TRANSIT PENDING RESETTLEMENT BY THE UNHCR ELSEWHERE. PAST EXPERIENCE WITH THE CONDITIONAL ENTRY PROGRAM, OF COURSE, CLEARLY INDICATES NUMBERS RETURNED UNDER SUCH PROCEDURES ARE NEGLIGIBLE.

5. WITH RESPECT TO GUARANTEES AS TO THE LENGTH OF TIME

REQUIRED IN HONG KONG FOR PROCESSING, I WOULD HOPE WE COULD AVOID SUCH RIGID COMMITMENTS. AT THE SAME TIME SINCE DOCUMENTATION, PRE-SCREENING, AVAILABILITY OF CONDITIONAL ENTRY AND NON-PREFERENCE NUMBERS AND PRIOR CONFIRMATION OF SPONSORSHIP ARE PREREQUISITES FOR FORWARD MOVEMENT TO HONG KONG, IT IS DIFFICULT TO SEE WHY THE NORMAL CASE WOULD, IN FACT, EXCEED 10 DAYS PROCESSING TIME.

6. WE HAVE THE SAME RELUCTANCE TO PROVIDE ABSOLUTE GUARANTEES AS TO THE NUMBER OF REFUGEES IN HONG KONG AT ANY GIVEN TIME. OUR GOAL IS TO PROCESS AN AVERAGE OF 100 CE FAMILIES PER MONTH THROUGH HONG KONG. YOU AND THE INS AND ICEM STAFFS IN HONG KONG CAN BEST JUDGE THE RATE OF FLOW THAT CAN BE MAINTAINED. THE PROCEDURES, HOWEVER, PLACE CONTROL OF MOVEMENT AUTHORIZATION WITH INS/HONG KONG IN COORDINATION WITH THE CONGEN. THUS, YOU CAN REASONABLY ASSURE THE HKG THAT, SHOULD ANY HITCHES DEVELOP IN PROCESSING, MOVEMENT AUTHORIZATION WOULD BE HELD UP UNTIL SUCH A BACKLOG COULD BE CLEARED OUT IN ORDER TO AVOID ANY POLITICALLY EMBARRASSING CONGESTION OF REFUGEES IN HONG KONG.

7. WE HAVE INDICATED PREVIOUSLY TO THE UNHCR OUR INTENTION TO SEEK FUNDS TO ASSIST IN THE CARE AND MAINTENANCE OF BOAT CASE REFUGEES. AS INDICATED IN REF D, THAT WOULD INCLUDE TIME SPENT IN HONG KONG BY REFUGEES UNDER UNHCR AUSPICES.

8. WHILE WE DO NOT YET HAVE FINAL APPROVAL ON THE PROGRAM, PENDING A DETERMINATION THAT A GENUINE INTERNATIONAL RESPONSE TO THIS PROBLEM EXISTS, YOU ARE AUTHORIZED TO RAISE THIS MATTER INFORMALLY WITH THE HKG PRIOR TO THE DEPARTURE OF THE HKG POLITICAL ADVISOR FOR HOME LEAVE. YOUR SOUNDINGS SHOULD MAKE CLEAR, HOWEVER, THAT FINAL USG APPROVAL OF THE PROGRAM AND FIRM UNHCR GUARANTEES ARE CONFIDENTIAL

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STILL PENDING. ROBINSON

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## Message Attributes

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**Disposition Date:** 28 MAY 2004  
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